

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

ARTHUR MBANEFO,
Plaintiff,

v.

AMAZON.COM, INC., and AMAZON
TECHNOLOGIES, INC. d/b/a/ CREATESPACE
INDEPENDENT PUBLISHERS,
Defendants.

Cause No. 18-cv-1610

COMPLAINT FOR COPYRIGHT
INFRINGEMENT

DEMAND FOR JURY TRIAL

Plaintiff, Arthur Mbanefo, by his attorneys, Collen IP and Philip P. Mann, files this Complaint against Defendants Amazon.com, Inc. and CreateSpace Independent Publishers, and alleges as follows:

NATURE OF DISPUTE

1. This is a civil action in which Plaintiff, a Nigerian dignitary, seeks an award of damages from this Court for Defendants' infringement of his copyright in an auto-biographical literary work entitled, "A Fulfilled Life of Service." Plaintiff also seeks an order from this Court enjoining Defendants from continued publication, reproduction, and distribution of infringing

1 copies of the literary work. Absent such an order, Plaintiff will continue to suffer substantial
2 injury, loss, and damage to his ability to exploit his valuable copyrights in the literary work as a
3 result of Defendants' actions.

4
5 **PARTIES, JURISDICTION AND VENUE**

6 2. Plaintiff, Chief Arthur Mbanefo ("Plaintiff" or "Mr. Mbanefo"), is a resident of
7 Nigeria. He is the author and sole owner of an autobiographical book entitled "A Fulfilled Life
8 of Service" (the "Book," or "Plaintiff's Book").

9 3. Defendant Amazon.com, Inc. ("Amazon") is a corporation organized under the
10 laws of Delaware, and maintaining a principal place of business at 410 Terry Ave North, Seattle,
11 Washington.

12 4. Defendant Amazon Technologies, Inc., doing business as, "CreateSpace"
13 ("CreateSpace"), is a limited liability company organized under the laws of Nevada, and
14 maintaining a principal place of business at 410 Terry Ave North, Seattle, Washington.

15 5. On information and belief, CreateSpace is, and at all pertinent times has been, a
16 wholly-owned subsidiary of Defendant Amazon.

17 6. On information and belief, Defendants are committing and have committed acts
18 of Copyright Infringement in this District and elsewhere, through distributions, advertisements,
19 solicitations, sales, and offers for sales.

20 7. Plaintiff brings this action seeking damages and injunctive relief in relation to
21 federal copyright law. The Court has subject matter jurisdiction over this action pursuant to 28
22 U.S.C. §§ 1331 and 1338.

23 8. Defendants have sufficient contacts with this District in connection with the
24 events alleged in this Complaint so that each Defendant is subject to this Court's exercise of
25 personal jurisdiction over them.
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1 19. Plaintiff registered the Book with the United States Copyright Office
2 (Registration Number TX 8-578-150) under the name "A Fulfilled Life of Service." The Book is
3 an original work by Plaintiff.

4 **COPYRIGHT INFRINGEMENT**

5 20. Plaintiff restates and re-avers each and every allegation contained in paragraphs
6 1-19, inclusive, and the acts of Defendants asserted therein, as if fully recited in this paragraph.

7 21. The Plaintiff's Book is a copyrighted work.

8 22. The Plaintiff's Book represents an original work of authorship as represented in
9 the artwork, layout, and descriptions.

10 23. The Plaintiff is the exclusive owner of the copyright in this catalog, and is the
11 owner of Copyright Registration TX 8-578-150, issued by the United States Copyright office,
12 effective August 1, 2018, pursuant to 17 USC 410. A copy of the certificate of copyright
13 registration is attached as Exhibit "A".

14 24. The Plaintiff has complied with the provisions of the Copyright Laws.

15 25. Upon information and belief in 2017, Defendants published and offered for sale
16 Plaintiff's Book, showing Plaintiff as the author.

17 26. The text of the Infringing Book including the ordering and arrangement thereof is
18 substantially the same as the text of Plaintiff's Book, if not identical overall to that text, order,
19 and arrangement thereof.

20 27. Plaintiff did not give Defendants permission to copy, create a derivative of,
21 publicly display, publicly distribute, or otherwise exercise any of the exclusive rights of a
22 copyright owner with respect to Plaintiff's Book.

23 28. Without Plaintiff's authorization Defendants copied almost entirely and created a
24 derivative of Plaintiff's Book, as well as reproduced it and publicly distributed copies thereof, by
25 sale or other transfer of ownership, rental, lease, or lending.
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1 (c) be ordered to contact their affiliates, customers, and licensees in writing within
2 thirty (30) days from the issuance date of an injunction and inform them about
3 the injunction as well as ordered to instruct them to immediately discontinue
4 using and to destroy all infringing material. ordered to file, within thirty (30) days
5 from the issuance date of an injunction,

6 2. That, an accounting and judgment be rendered against all defendants for
7 their total gains, profits, and advantages from the reproduction, production, adaptation, creation
8 of derivatives, distribution, public display and unjust enrichment of the Infringing Book, in an
9 amount to be determined which, at present, Plaintiff cannot fully ascertain;

10 4. That Defendants and their officers, agents, employees, or representatives,
11 and all persons in privity with Defendants not destroy but deliver up to this Court, pursuant to 15
12 USC § 1118, and the copyright laws of the United States, 17 USC 101 et seq., all: dies, molds,
13 letterheads, advertising materials, computer programs, labels, packages, containers, name plates,
14 and any other printed matter of any nature and or any products in their possession bearing the
15 trademarks or copyrighted materials of the Plaintiff or any colorable imitation, for the purpose of
16 destruction thereof.

17 5. That Defendants be required to pay statutory damages pursuant to
18 17 USC § 504.

19 6. That Defendants be required to file with this Court and serve upon
20 Plaintiff a report in writing and under oath setting forth in detail the manner and form in which
21 the Defendants have complied with the terms of the injunction.

22 7. That Plaintiff be awarded his costs in this action, including expert witness
23 fees and prejudgment and post-judgment interest on monies found to be due and owing to
24 Plaintiff attributable to the infringing acts complained of herein.

25 8. That Plaintiff be awarded his reasonable attorney's fee in accordance with
26 the provisions of 17 U.S.C. §505 as part of the costs to the prevailing party.
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1 9. That Plaintiff have such other and further relief as the Court deems just and
2 proper.

3 **JURY DEMAND**

4 Plaintiff demands a trial by jury on all issues presented in this Complaint.

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6 Dated this 5th day of November 5, 2018

7 Respectfully submitted,

8 s/ Philip P. Mann

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